

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 13-20655
USDC No. 4:12-CV-3086
USDC No. 4:10-CR-512-1

UNITED STATES COURT OF APPEALS
SOUTHERN DISTRICT OF TEXAS
FILED
AUG 08 2014

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

THOR ALEXANDER MORRIS,

Defendant-Appellant

Appeal from the United States District Court for the
Southern District of Texas, Houston

O R D E R:

Thor Alexander Morris, former federal prisoner # 33297-279, was convicted of fraud and related activity in connection with computers and sentenced to 37 months in prison and three years of supervised release. He now moves for a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion. A COA may be issued only if Morris has "made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Miller-El v. Cockrell*, 537 U.S. 322, 336 (2003); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000).

Morris contends that his trial attorney performed ineffectively by failing to object to (1) the Government's breach of the plea agreement and (2) the

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district court's failure to apply the three-level reduction under U.S.S.G. § 2X1.1(b)(1). He also contends that the district court erred when it failed to conduct an evidentiary hearing regarding his § 2255 claims. Morris has failed to make the showing required. *See Slack*, 529 U.S. at 483-84. Accordingly, his motion for a COA is DENIED.

/s/ W. Eugene Davis
W. EUGENE DAVIS
UNITED STATES CIRCUIT JUDGE